

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

HANNAH L MCCUE
Claimant

SLB OF IOWA LC
Employer

APPEAL NO. 21A-UI-05519-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (2R)

871 IAC r. 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 10, 2021, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 26, 2021. Claimant participated personally and with non-attorney representative Craig McCue. Employer participated by Karen Beard.

ISSUE:

The issue in this matter is whether the claim was previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was laid off by employer on or around March 21, 2020. Claimant found new employment with a different employer on or around April 25, 2020.

This matter was adjudicated in a decision dated September 28, 2020, and by appeal number 20A-UI-09405-JCT. That decision found claimant to be eligible for unemployment benefits based on her separation from this employer. The matter was remanded back to the fact finder to make a determination as to whether claimant was able and available for benefits for a period between May 9 through June 6, 2020. The fact finder then issued another decision surrounding separation. The decision entered by the fact finder in this (ref 02) matter was in contravention to the earlier administrative law decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.28(6) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(6) The claimant voluntarily left employment. However, there shall be no disqualification under Iowa Code section 96.5(1) if a decision on this same separation has been made

on a prior claim by a representative of the department and such decision has become final.

In this matter, the evidence has established that the claim was previously adjudicated by ALJ decision of September 28, 2020, 20A-UI-09405-JCT. The bureau is without authority to rehear this matter as a decision was issued on the merits. The issue cannot be adjudicated a second time. The (ref 02) decision entered is reversed as it should be deemed null and void as a previous ALJ decision had decided the separation issue.

DECISION:

The decision of the representative dated February 10, 2021, reference 02, is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements. This matter is remanded to the fact finder for a determination as to whether claimant was able and available for work for the period between May 9 and June 6, 2020.



Blair A. Bennett
Administrative Law Judge

April 30, 2021
Decision Dated and Mailed

bab/ol